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8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.

15 TEOFIL BRANK,
aka "Jarec Wentworth,"
16 Defendant.
17

CR No. 15-131(A)-JFW

STIPULATED REQUEST FOR PROTECTIVE
ORDER RE: WITNESS INFORMATION

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19
20 Plaintiff United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorneys Kimberly Jaimez and
23 Eddie Jauregui, and defendant TEOFIL BRANK, also known as "Jarec
24 Wentworth" ("defendant"), by and through his counsel of record,
25 Deputy Federal Public Defenders Ashfaq Chowdry and Seema Ahmad,
26 hereby stipulate, agree, and request that the Court issue a
27 Protective Order in this case restricting the use and dissemination
28 of information regarding witnesses and other parties pursuant to

1 Federal Rule of Criminal Procedure Rule 16(d)(1). The grounds for
2 this stipulation and request are as follows:

3 1. The First Superseding Indictment in this case was filed on
4 May 1, 2015. Defendant is charged with violations of 18 U.S.C.
5 §§ 875(d): Transmitting Threatening Communications with Intent to
6 Extort; 1951(a): Extortion and Attempted Extortion Affecting
7 Interstate Commerce by Nonviolent Threat; 880: Receiving Proceeds of
8 Extortion; 1952(a)(3): Use of an Interstate Facility to Facilitate
9 an Unlawful Activity; and 924(c)(1)(A)(i): Possession of a Firearm
10 in Furtherance of a Crime of Violence.¹

11 2. The discovery in this case includes a large volume of
12 discovery containing the names and other identifying information of
13 numerous third parties, both witnesses and non-witnesses, including
14 personal identifying information, financial information, and obscene
15 material, including photographs, that is part of discovery that is
16 too voluminous to redact. The disclosure of such information must
17 be limited and protected in order to protect the third parties'
18 safety and privacy.

19 3. In order to facilitate production of discovery to defense
20 counsel, by this stipulation, the parties agree that data containing
21 such references will be disclosed to counsel pursuant to the
22 requested Protective Order that mandates the following:

23 a. For purposes of this Order, the term "defense team"
24 refers to counsel of record for defendant, and the defense
25 investigator, paralegal and legal assistant assisting defense
26

27 ¹ On July 6, 2015, the Court dismissed Count Seven of the First
28 Superseding Indictment, which charged defendant with possessing a
firearm in furtherance of a crime of violence.

1 counsel of record who have read the Protective Order and agreed to
2 be bound by its terms. For purposes of this Order, the term
3 "defense team" does not include defendant.

4 b. The government is authorized to provide counsel of
5 record with documents pursuant to its agreement to disclose
6 information marked with the following: "WARNING: CONTENTS SUBJECT TO
7 PROTECTIVE ORDER. UNAUTHORIZED COPYING OR VIEWING IS SUBJECT TO
8 PUNISHMENT AS CONTEMPT OF COURT." ("PROTECTED INFORMATION").

9 c. Upon receipt of materials designated subject to
10 protective order, counsel of record will ensure that every member of
11 the defense team who is provided access to such PROTECTED
12 INFORMATION first has reviewed the terms of the Protective Order and
13 has agreed to be bound by its terms.

14 d. An individual subject to the protective order shall
15 not permit anyone who is not a member of his or her respective
16 defense team to retain in their possession any PROTECTED
17 INFORMATION.

18 e. An individual subject to the protective order shall
19 not show PROTECTED INFORMATION to anyone other than other members of
20 the defense team who have agreed to be bound by the protective
21 order, or the identified victim-witnesses in the PROTECTED
22 INFORMATION.

23 f. An individual subject to the protective order shall
24 not divulge the contents of any PROTECTED INFORMATION to anyone
25 other than members of the defense team and the defendant.

26 g. An individual subject to the protective order shall
27 not permit PROTECTED INFORMATION to be outside of the defense team's
28 offices, homes, vehicles, or personal presence.

1 h. To the extent that notes are made that memorialize,
2 in whole or in part, the contents of PROTECTED INFORMATION, or to
3 the extent that copies are made for authorized use by members of the
4 defense team, such notes, copies, or reproductions become PROTECTED
5 INFORMATION and must be handled in accordance with the terms of this
6 agreement.

7 i. In the event that a party needs to file PROTECTED
8 INFORMATION with the court or divulge the contents of such materials
9 in court filings, the filing should be made under seal.

10 j. In particular, defense counsel is specifically
11 prohibited from producing copies of PROTECTED INFORMATION to the
12 defendant in this matter and the defendant shall not review
13 PROTECTED INFORMATION except in the presence of defense counsel,
14 with the defendant retaining no copies of such information.

15 k. Undersigned counsel shall return all materials
16 designated subject to protective order to the government upon the
17 conclusion of the litigation in this matter. Litigation of this
18 matter includes any appeal filed by the defendant, and any motion
19 filed by the defendant pursuant to 28 U.S.C. § 2255. If defendant
20 does not file a motion pursuant to 28 U.S.C. § 2255, and the
21 deadline for filing such a motion has expired, the defense team
22 shall return the discovery at that time.

23 l. In the event that there is a substitution of counsel
24 prior to when such documents must be returned, new counsel must join
25 this protective order before any PROTECTED INFORMATION may be
26 transferred from undersigned counsel to new counsel, who then will
27 become the custodian of all PROTECTED INFORMATION and who shall then
28 become responsible for returning all PROTECTED INFORMATION to the

1 government upon the conclusion of appellate and post-conviction
2 proceedings.

3 m. The parties stipulate that this order applies to the
4 discovery that was produced to defense counsel on July 1, 2015,
5 consisting of the data obtained from the cell phone of witness J.G.

6
7 IT IS SO STIPULATED.

8
9 EILEEN M. DECKER
United States Attorney

10 ROBERT E. DUGDALE
11 Assistant United States Attorney
12 Chief, Criminal Division

13 DATE: July 8, 2015

14 /s/
EDDIE A. JAUREGUI
KIMBERLY D. JAIMEZ
Assistant United States Attorneys
15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 DATE: July 8, 2015

18 */s/ with e-mail authorization from*
Seema Ahmad, DFPD, July 8,
2015
19 SEEMA AHMAD
ASHFAQ CHOWDHURY
20 Attorneys for Defendant
TEOFIL BRANK
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